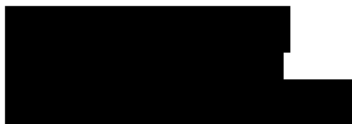


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201138307
Issue No.: 1038
Case No.: [REDACTED]
Hearing Date: July 28, 2011
Macomb County DHS
District No. 20

ADMINISTRATIVE LAW JUDGE: YASMIN J. ELIAS

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan, on July 28, 2011. The claimant appeared and testified. [REDACTED], Jobs, Education and Training (JET) Program Manager appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether the DHS properly denied the Claimant's Family Independence Program (FIP) application in accordance with its policies and procedures?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On May 11, 2011, the Claimant submitted an application for FIP benefits.
2. On May 13, 2011, the DHS issued a Negative Case Action Notice informing the Claimant that her application for FIP benefits was denied because it was received within a 12 month sanction period in effect from 9/1/2010 through 8/31/2011.
3. On June 4, 2011, the Claimant submitted a request for a hearing regarding the decision.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. Department policies are found in Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM) and Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The provisions in BEM 230A, "Employment and/or Self-Sufficiency-Related Activities: FIP/RAP [Refugee Assistance Program] Cash," follow Federal and State laws which require that every work-eligible individual must participate in the JET Program or other work-related activities. BEM 230A. Accordingly, DHS requires clients to participate in employment and self-sufficiency related activities and to accept employment when offered. BEM 233A at 1. Federal and state laws require each work eligible individual (WEI) in a FIP group to participate in Jobs, Education and Training (JET) Program or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 233A at 1. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. BEM 233A at 1.

JET is a program administered by the Michigan Department of Energy, Labor and Economic Growth through the Michigan Works! Agencies. BEM 233A at 1. The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 233A at 1. The WEI is considered non-compliant for failing or refusing to appear and participate with JET or other employment service provider. BEM 233A at 2. In addition, threats, physical abuse or other behavior disruptive toward anyone conducting or participating in an employment and/or self-sufficiency-related activity is considered to be non-compliance with the JET program. BEM 233C at p. 2.

JET participants will not be terminated from a JET program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A at 7. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 230A at 3. A claim of good cause must be verified. BEM 230A at 3. If good cause is asserted, a decision concerning good cause is made during the triage and prior to the negative action effective date. BEM 233A at 8. The first and second occurrences of non-compliance result in a 3 month FIP closure, while the third occurrence results in a 12 month sanction. BEM 233A at 6.

In the instant matter, the Jet Case Manager testified that the Claimant was issued a 12 month sanction from the JET program, effective September 1, 2010 through August 30,

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2011, following an incident where the Claimant engaged in an altercation with another JET program participant on June 30, 2010. This was the Claimant's third finding of non compliance. The Claimant acknowledged that she engaged in the referenced altercation and acknowledged that on or about July 22, 2010, she was informed that she would be imposed a 12 month sanction from the JET program as a result of the altercation. The Claimant added that she requested a hearing regarding the sanction decision, but was unable to attend the hearing. Because the decision to impose a 12 month sanction was issued on July 11, 2010, that decision is not subject to review at this time.

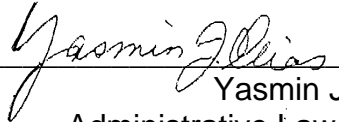
Ultimately, the DHS established that it acted in accordance with its policies when it denied the Claimant's May 11, 2011 application for FIP benefits because the application was received within a 12 month sanction period issued to the Claimant effective September 1, 2010 through August 30, 2011. Accordingly, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department acted in accordance with Department policy when it denied the Claimant's FIP benefit application.

It is ORDERED:

The Department's determination is AFFIRMED.



Yasmin J. Elias
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 3, 2011

Date Mailed: August 3, 2011

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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